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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,983	12/22/2000	Jim Mao	005043.P009	1397

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 07/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745183

Applicant(s)

M 10

Examiner

Sax

Group Art Unit

2179

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 11-13, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwamura (5883621).
4. Regarding claim 1, Iwamura shows selecting a connection source and destination from a graphical user interface that displays a topology of a network (Figures 6-7, 12, column 2 lines 1-8, column 3 lines 7-20), executing a routing algorithm to determine a path through the network (Figure 12, column 8 lines 17-35 and 56-65), provisioning the connection within the network that corresponds to the path (Figures 6-7, column 6-18).
5. Regarding claim 2, the algorithm is executed at a node (column 5 lines 5-25, column 6 lines 23-33).

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6. Regarding claim 3, the topology information is sent from a first node to a second node (column 5 lines 5-25).

7. Regarding claim 6, the routing algorithm is executed at a network control management system (column 4 lines 15-30).

8. Claims 11-13 and 16 show the same features as above and are rejected for the same reasons.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-5, 7-10, 14-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura (5883621) and Rakoshitz et al (6578077).

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11. Regarding claim 4, in addition to the aforementioned, Iwamura does not go into the details of the bandwidth resource information being sent from one node to another, but does mention routing information from one node to another for efficient monitoring of a network. Furthermore, Rakoshitz et al show sending bandwidth information for efficient monitoring of a network (column 4 lines 57-68, Figure 3, column 10 lines 15-35, Figure 9A, column 16 lines 44-60). It would have been obvious to a person with ordinary skill in the art to include bandwidth information in the information being sent from one node to another in Iwamura, because it would allow efficient monitoring of a network.

12. Regarding claim 5, in addition to the aforementioned, Iwamura does not go into the details of the Quality of Service information being sent from one node to another, but does mention routing information from one node to another for efficient monitoring of a network. Furthermore, Rakoshitz et al show sending Quality of Service information for efficient monitoring of a network (column 4 lines 40-55, Figures 9A-15, column 16 lines 44-59, column 17 lines 8-33). It would have been obvious to a person with ordinary skill in the art to include Quality of Service information in the information being sent from one node to another in Iwamura, because it would allow efficient monitoring of a network.

13. Regarding claims 7-8, a graphical user interface is used to select the bandwidth and Quality of Service parameters (Rakoshitz et al see Figures 9-11 for example).

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14. Regarding claims 9-10, the Quality of Service parameters include end to end transit delay (Rakoshitz et al column 5 lines 3-16) and jitter (Rakoshitz et al column 5 lines 17-25).

15. Claims 14-15 and 17-20 show the same features as claims 4-5 and 7-10 and are rejected for the same reasons as those claims.

16. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX
PRIMARY EXAMINER